

REMARKS

Claims 1-8, 10-13 and 23-38 are all the claims presently pending in the application.

There are only obviousness type double patenting rejections outstanding in the case. The concurrent filing of the five (5) Terminal Disclaimers herewith render the obviousness type doubling patenting rejections moot.

Specifically, with respect to the obviousness type double patent rejections, claims 1, 4, 10, 25 and 26 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 24 and 28-31 of Ajamera et al. (U.S. Patent No. 6,503,833 B1). Claims 1, 4, 10, 25 and 26 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 24 and 28-31 of co-pending Application No. 10/287,476. Claims 1, 4, 10, 25 and 26 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 27 of Cabral Jr., et al. (U.S. Patent No. 6,444,578 B1). Claims 1, 4, 10, 25 and 26 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4, 5 and 23 of co-pending Application No. 10/299,688. Claims 1, 4, 10, 25 and 26 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 15 and 20 of co-pending Application No. 09/569,306. Claims 2-3, 5-6, 8, 11-12, 23, 24 and 27-38 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 24 and 28-31 of Ajamera et al. (U.S. Patent No. 6,503,833 B1) in view of Maa et al. (U.S. Patent No. 5,830,775). Claims

2-3, 5-6, 8, 11, 12, 23- 24 and 27-38 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 24 and 28-31 of co-pending Application No. 10/287,476 in view of Maa. Claims 2-3, 5-6, 8, 11-12, 23-24 and 27-38 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 and 27 of Cabral, Jr., et al. (U.S. Patent No. 6,444,578 B1) in view of Maa. Claims 2-3, 5-6, 8, 11-12, 23-24 and 27-38 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4, 5 and 23 of co- pending Application No. 10/299,688 in view of Maa. Claims 2-3, 5-6, 8, 11-12, 23-24 and 27-38 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 15 and 20 of co-pending Application No. 09/569,306 in view of Maa.

While Applicant submits that the claims of the commonly-assigned copending applications and patents do not teach the recitations of the present claims, these rejections are respectfully rendered moot by the filing of Terminal Disclaimers.

In view of the foregoing, Applicant submits that all of the pending claims are patentable over the prior art of record.

FORMAL MATTERS AND CONCLUSION

With regard to the Examiner's assertion in Item No. 1 on page 2 of the Office Action dated May 25, 2004, and the Examiner's failure to consider the Korean reference cited in the IDS filed on March 8, 2004 (with certification), the Examiner is respectfully requested to consider to

the extent possible and to make of record the Korean reference submitted in the IDS and listed on the PTO-1449 form.

Applicant notes that, for some reason, the Examiner crossed-out the Korean reference listed on the PTO-1449 Form returned with the Examiner's Office Action of May 25, 2004. However, Applicant fully complied with M.P.E.P. §609 and 37 C.F.R. §§1.97-1.99 regarding the submission of foreign language documents.

Regarding the Korean 2001-6796 reference, it was noted in the IDS that the reference was cited in a Korean Office Action in the counterpart Korean application. In full compliance with M.P.E.P. §609 and 37 C.F.R. §§1.97-1.99, an English language equivalent (e.g., U.S. Patent No. 6,433,388) was identified and submitted. Again, this is in full compliance with M.P.E.P. §609 and 37 C.F.R. §§1.97-1.99.

Hence, the Examiner is requested to consider the reference to the extent possible, and to initial the PTO-1449 Form listing the reference. For the Examiner's convenience, a duplicate copy of the PTO-1449 Form is submitted herewith.

In view of the foregoing, Applicant submits that claims 1-8, 10-13 and 23-38, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

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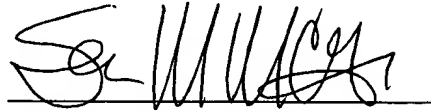
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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

Date:

8/25/04

A handwritten signature in black ink, appearing to read 'Sean M. McGinn', written over a horizontal line.

Sean M. McGinn, Esq.

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